IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.
PIL NO.127 OF 2006

Sarhtiseva (Non Government Organisation)
and another .. Petitioners

v/s.

D. Chakraborthy,
Chief Executive Officer,
Slum Rehabilitation Authority and others .. Respondents

Mr. Chandrashekar with Mr. A.A. Siddiqui for the petitioners.

Mr. Abhijeet Wag i/by M/s. Utangale & Co. for the respondent No.1.

Ms. P.A. Purandare for the respondent No.3.

Mr. K.R. Belosey, Officiating Government Pleader for the respondent Nos.2,4 and 7.

Mr. M.M. Vashi with Mr. Manish Mistry for the respondent No.5.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 4TH OCTOBER, 2006.

P.C.

We heard Mr. Chandrashekar, the counsel for the petitioners.

2. On 13th September, 2006, we passed the following order:-

> "Mr. Asif Ali Siddiqui, Advocate for the petitioners submits that aggrieved by the decision dated dated 18th August, 2006 in Writ Petition No.2078 of 2006, the petitioners shall

be filing Special Leave Petition before the Supreme Court today including the prayer therein that this P.I.L. Be tagged alongwith the Special Leave Petition.

2. The counsel for the respondent No.5 submits that this is only adjournment tactics by the petitioners.

3. We grant one opportunity to the petitioners for the reason stated by him making it very clear that no further adjournment shall be granted and if the record and proceedings in this P.I.L. are not ordered to be tagged with the afore-referred Special Leave Petition, the present P.I.L. shall be proceeded with on the next date.

Stand over for three weeks."

3. The counsel for the petitioners submits that Special Leave Petition has been filed by the petitioners aggrieved by the decision dated 18th August, 2006 before the Supreme Court but so far, no order has been passed thereon.

4. We, accordingly, considered the writ petition and the documents annexed thereto.

5. The respondent No.5 has raised the preliminary objection about the bonafides in filing the present writ petition (PIL). To appreciate this, we perused para 1 of the writ petition. The petitioners have averred in that paragraph that the first petitioner is Mumbai based Non-Governmental organisation, enlightening the citizens about their various constitutional rights

and encouraging the people for fighting against the corruption. The petitioner No.1 is said to be active in various fields working for the interest of public being a vigil NGO, assisting Government and Semi-Government on various issues by providing necessary information as well as suggestions. The second petitioner is said to be domiciled in the State of Maharashtra, an income-tax payer, social activist, General Secretary and the convener of the first petitioner. Except the aforesaid statement in para 1, no material has been placed on record by the first petitioner as to whether it is a public trust registered under the Bombay Public Trust Act or the society registered under the Societies Registration Act. Upon our specific query to the counsel as to for how many years the petitioner has been functioning as non-Government organisation, we were told by him that the first petitioner has been in existence since the year 2000. No material has been placed on record showing the activities of the first petitioner as non-Government organisation during the last six years. At this stage the counsel for the petitioners submits that if some time is given, the petitioners will show the material that the writ petition (P.I.L.) is bonafide. We are not persuaded to grant any time.

6. By means of this Public Interest Litigation, the petitioners seek to challenge the Slum Rehabilitation Scheme which was sanctioned in the year 1999 by the order dated 24.12.1999. The said scheme has been under challenge in different proceedings at the instance of slum dwellers. The respondent No.5 has placed on record such orders from pages 646 to 690. During all these years when the various proceedings relating to the subject scheme were

being considered by the courts from time to time, nothing was done by the petitioners in challenging the said Scheme. Now in the year 2006, the present writ petition in the nature of Public Interest Litigation has been filed. By this time two rehabilitation buildings of ground plus seven floors have already been constructed.

7. We are of the view that present writ petition is not honest and bonafide. It suffers from delay and laches. At this distance of time, we decline to entertain the Public Interest Litigation.

Writ Petition (PIL) is dismissed in limine.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)